

Alternative resolution of individual labour disputes

Abstract

This thesis deals with alternative ways of solving individual labor disputes.

The main reason for choosing this topic was the author's personal experience with alternative methods of dispute resolution in the field of labor conflicts and labor disputes, in particular with mediation, and also the author's opinion on non-fulfilment of the full potential of these methods in individual labor disputes.

The work aims to provide a structured overview of the most commonly used alternative dispute resolution methods in the Czech Republic. At the same time, the author deals with hybrid methods that are rarely used in the czech dispute environment. For the sake of clarity, the author tried to maintain a similar structure in the individual chapters.

The first two chapters focus on the definition of basic terms such as labor law dispute, ADR and their division and types. The next chapters already focus on the basic and hybrid ADR methods. Space is also devoted to both negotiation, its principles, phases and negotiation approaches, and other methods.

The focus of the work lies in the fourth and fifth chapters focusing on mediation and arbitration. The author describes main conceptual features, principles and legislation including some problematic legal aspects. Furthermore, the advantages and disadvantages of using mediation and arbitration are discussed and there is also an evaluation of use of individual methods in connection with individual labor disputes. The author also deals with the issue of low number of labor disputes and other civil disputes at general (state) courts and with the number of disputes resolved by the Arbitration Court attached to the Economic Chamber of the Czech Republic and the Agricultural Chamber of the Czech Republic, which has a constantly decreasing tendency. The statistical data related to this topics are processed in the form of tables and graphs.

In the last chapter, the author describes hybrid methods consisting of a combination of mediation and arbitration, namely MED-ARB, ARB-MED and MEDALOA.

Key words: ADR, individual labour disputes, mediation